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Attorneys for the Seavers

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION**

JAMES SEAVER and DEBORAH
SEAVER, as parents and heirs of G.S.,
deceased,

Plaintiffs,

v.

The ESTATE of ALEXANDRE CAZES,
deceased, a citizen of Canada, formerly
doing business as ALPHABAY; THE TOR
PROJECT, INC. aka THE ONION
ROUTER, a Massachusetts non-profit
corporation; CHINA POSTAL EXPRESS
& LOGISTICS COMPANY aka CHINA
POST aka CHINA COURIER SERVICES
CORPORATION, a Chinese corporate or
governmental entity; and EMS
COOPERATIVE dba EXPRESS MAIL
SERVICE, a foreign entity,

Defendants.

**PLAINTIFFS' RESPONSE TO
"OBJECTION" FILED BY
UNIVERSAL POSTAL UNION**

Case No.: 2:18-cv-00712-DB-DBP

Judge Dee Benson

Magistrate Judge Dustin B. Pead

In September 2018, the Seavers filed a Complaint against a number of defendants, some of whom are foreign entities. *See* Compl. [ECF No. 2]. The Seavers quickly began effecting service, identifying and utilizing preferred practices for service in China, Thailand, and Switzerland, where the Seavers understand that China Post, the Estate of Alexandre Cazes, and EMS Cooperative ("EMS") reside, respectively.

As Switzerland is a member of the Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters—the Hague Service Convention—the Seavers worked through the provisions of the Convention to effect service, including through the use of information propagated by Switzerland’s Central Authority, translation of the relevant documents into both French and German, and a request for service made to the appropriate cantonal authority. *See* Hague Conference on Private International Law, Authority: Switzerland, <https://www.hcch.net/en/states/authorities/details3/?aid=276>.

On March 14, 2019, a Letter Objection dated March 8, 2019 was filed in this matter. *See* UPU Obj. to Summons [ECF No. 21]. That Letter Objection is addressed to the Clerk of Court and is signed by Ricardo Guilherme Filho, the Director of Legal Affairs for the Universal Postal Union (“UPU”). *See id.* The Letter Objection explains that the EMS Cooperative is “a body of the UPU.” *See id.* at 1. The Letter Objection then provides information about the relationship between the UPU and other entities, including its “member countries and their designated operators” of postal services. *See id.* at 2.

Whatever the nature of the objections raised by EMS or the UPU, the proper mechanism for defendants to place such objections before the Court is to appear and appoint counsel for, at the very least, the limited purpose of responding in some appropriate manner to the Complaint filed by the Seavers. Entities like EMS or the UPU cannot litigate through corporate officers appearing pro se—they must appear in court through an attorney. *See DCR Fund I, LLC v. TS Family Ltd. P’Ship*, 261 F. App’x 139, 146 n.6 (10th Cir. 2008); *Grout Doctor Global Franchise v. Tirado*, No. 2:09-cv-451, 2009 WL 3681872, at *3 (D. Utah Nov. 3, 2009).

The Seavers therefore ask the Court to order EMS/UPU to appear and appoint counsel for the purposes of responding to the Seavers’ Complaint.

Dated: May 3, 2019.

JONES WALDO HOLBROOK & McDONOUGH PC

By: /s/ J. Angus Edwards

Jeffrey D. Gooch

J. Angus Edwards

JONES WALDO HOLBROOK & McDONOUGH PC

Attorneys for the Seavers

CERTIFICATE OF SERVICE

I hereby certify that on May 3, 2019, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which provides for electronic service to the counsel listed below.

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I also certify that I sent a separate courtesy hard copy by certified mail to the mailing address below, as well as an electronic copy by email to the email address below.

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